

**Staff
Summary
Report**



**To: Mayor & City Council
Through: City Manager**

Agenda Item Number 29
Meeting Date 03/18/99

SUBJECT: ORDINANCE FOR ADOPTION

PREPARED BY: JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES

REVIEWED BY: HOWARD C. HARGIS, CITY ENGINEER

BRIEF: This is the second public hearing for the partial abandonment of an existing waterline easement at 23rd Street and Hardy Drive, granted to the City of Tempe in 1991.

COMMENTS: **ABANDONMENT (0901) ORDINANCE NO. 99.06** This is the second public hearing for the partial abandonment of a 12 foot wide waterline easement within the United Dairymen of Arizona site at 23rd Street and Hardy Drive. This partial abandonment is being requested to facilitate the relocation of an existing waterline as necessitated by the construction of a new building. A new waterline easement will be dedicated.

Document Name: (990318PWHS03) Supporting Documents: Yes

SUMMARY: This easement was recorded in Maricopa County Recorder No. 91-037350 and 91-037351. Staff supports this abandonment.

RECOMMENDATION:

That the City Council hold a public hearing and adopt Ordinance No. 99.06 and authorize the Mayor to execute any necessary documents.

Approved by: Judith Greenberg, Public Works Director

ORDINANCE NO. 99.06

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA, PARTIALLY ABANDONING A
WATERLINE EASEMENT LOCATED AT 23RD STREET AND
HARDY DRIVE, WITHIN THE UNITED DAIRYMEN OF
ARIZONA SITE.

WHEREAS, it has been determined by the City Council of the City of Tempe that
a portion of a certain easement which was intended for a waterline is no longer required by the
City for use as such, and

WHEREAS, it would appear to be in the best interest of the City of Tempe to
abandon said portion of easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish, and vacate
portion of an existing easement which was intended for a waterline as described and delineated on
EXHIBIT "A" and "A-1" attached hereto.

SECTION II. That all rights of the City in the portion of easement to be
abandoned shall vest in the record owner(s) of the subject property and shall be subject to the
same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the
easement is a part.

SECTION III. That the abandonment of the foregoing portion of waterline easement is specifically conditioned upon the owners of the property relocating the existing waterline falling within said easement at the owner's expense and dedicating a new waterline easement to the City of Tempe. Upon fulfillment of the conditions herein, the City Engineer or his designee shall record an "Affidavit of Compliance" stating that the conditions herein have been satisfied.

SECTION IV. That the Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this _____ day of _____, 1999.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

91 037351

A WATER LINE EASEMENT LOCATED IN NORTHWEST QUARTER OF SECTION 28, T.1N., R.4E., OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA;

SAID EASEMENT BEING 12.00 FEET IN WIDTH, 6.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 30 OF THE PALO VERDE INDUSTRIAL PARK AS RECORDED IN BOOK 105 OF MAPS PAGE 31, MARICOPA COUNTY RECORDER.

THENCE N 89°57'10" E ALONG THE NORTHERLY RIGHT OF WAY LINE OF 23RD STREET, A DISTANCE OF 10.00 FEET TO THE TRUE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED;

THENCE N 00°24'18" W PARALLEL TO AND 10.00 FEET DISTANT FROM THE EAST LINE OF SAID LOT 30, A DISTANCE OF 379.00 FEET TO A POINT;

THENCE S 89°35'42" W A DISTANCE OF 10.00 FEET TO THE EAST LINE OF SAID LOT 30;

THENCE N 89°35'42" E A DISTANCE OF 10.00 FEET TO A POINT;

THENCE CONTINUING N 00°24'18" W ALONG SAID PARALLEL LINE A DISTANCE OF 295.62 FEET TO A POINT;

THENCE S 89°59'09" W PARALLEL TO AND 44.00 FEET DISTANT FROM THE NORTH LINE OF SAID LOT 30, A DISTANCE OF 40.00 FEET TO A POINT;

THENCE N 89°59'09" E A DISTANCE OF 40.00 FEET TO A POINT;

THENCE CONTINUING N 00°24'18" W PARALLEL TO SAID EAST LINE OF SAID LOT 30, A DISTANCE OF 165.98 FEET TO A POINT;

THENCE S 89°59'09" W PARALLEL TO AND 50.00 FEET NORTHERLY FROM THE PROLONGATION OF THE SOUTH LINE OF LOT 25 OF SAID PALO VERDE INDUSTRIAL PARK, A DISTANCE OF 17.00 FEET TO A POINT;

THENCE N 00°00'51" W A DISTANCE OF 20.00 FEET TO A POINT;

THENCE S. 00°00'51" E A DISTANCE OF 20.00 FEET TO A POINT;

THENCE S 89°59'09" W PARALLEL TO SAID SOUTH LINE LOT 25, A DISTANCE OF 360.77 FEET TO A POINT;

THENCE S 00°00'51" E A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 25, SAID POINT BEING THE POINT OF TERMINUS OF THE EASEMENT HEREIN DESCRIBED, FROM WHICH THE SOUTHWEST CORNER OF SAID LOT 25 BEARS S 89°59'09" W A DISTANCE OF 213.00 FEET.

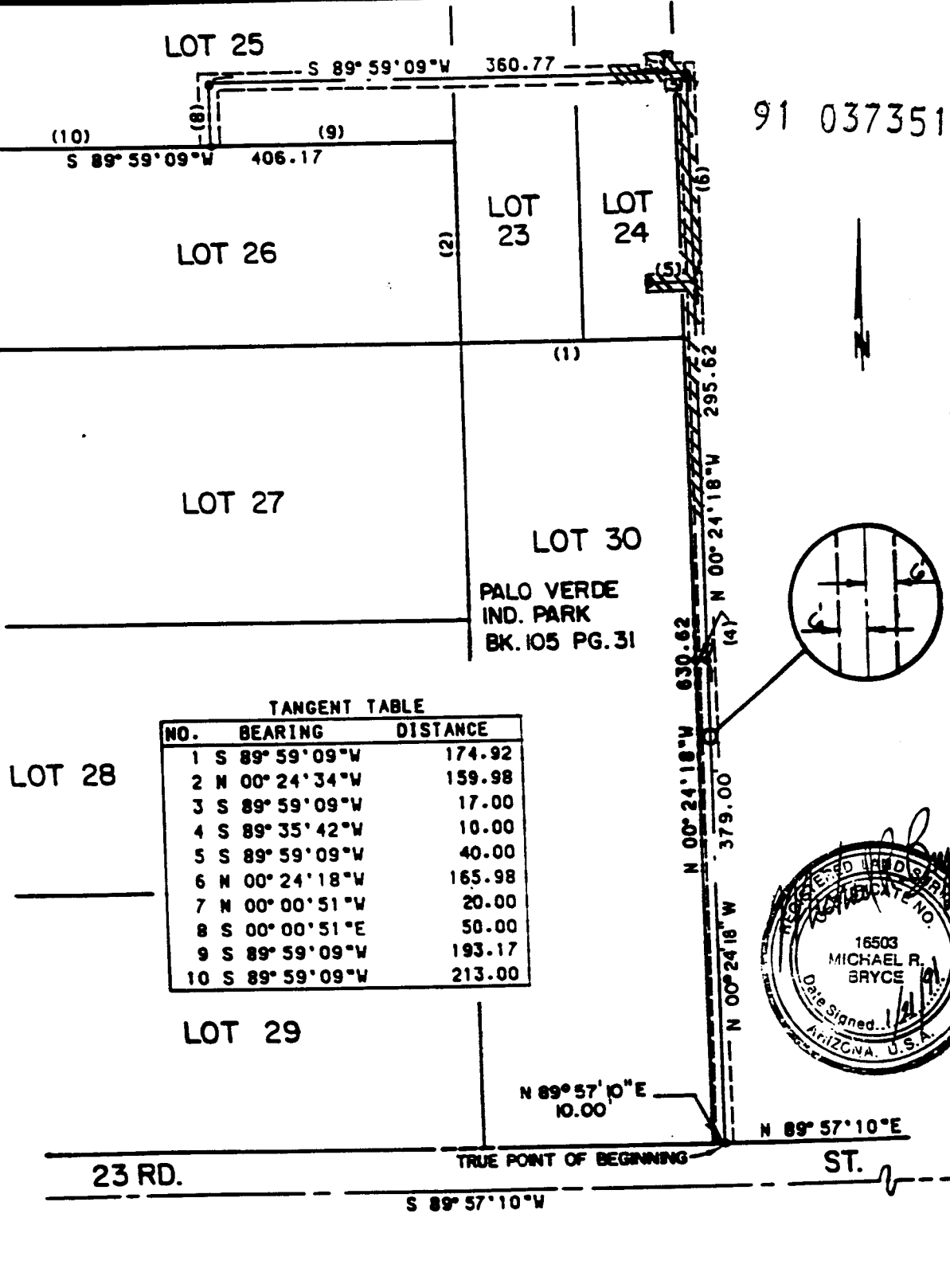
JOB NO: 90166

DATE: JANUARY 10, 1991



EXHIBIT "A-1"

91 037351

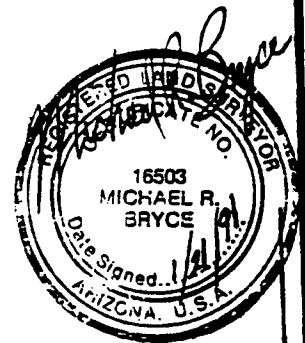


TANGENT TABLE

NO.	BEARING	DISTANCE
1	S 89° 59' 09" W	174.92
2	N 00° 24' 34" W	159.98
3	S 89° 59' 09" W	17.00
4	S 89° 35' 42" W	10.00
5	S 89° 59' 09" W	40.00
6	N 00° 24' 18" W	165.98
7	N 00° 00' 51" W	20.00
8	S 00° 00' 51" E	50.00
9	S 89° 59' 09" W	193.17
10	S 89° 59' 09" W	213.00

LOT 28

LOT 29



UNITED DAIRYMEN OF ARIZONA
WATERLINE EASEMENT

90166

1/21/91



AMERICAN ENGINEERING CO.
consulting engineers / surveyors